

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Case No. 21-12276-elf
	:	
Reginald Bernard Draughn,	:	Chapter 13
	:	
Debtor.	:	

Debtor's Motion to Incur Debt and Request for Expedited Consideration

Debtor Reginald Bernard Draughn, by and through his attorney, moves this Court to approve the purchase of a new motor vehicle and for expedited consideration thereof. In support of this motion, Mr. Draughn states as follows:

Background

1. Mr. Draughn filed this case under chapter 7 on August 18, 2021, ECF No. 1, and the case was converted to chapter 13 at Mr. Draughn's request on December 15, 2021, ECF No. 24.
2. The chapter 13 trustee in this case is Kenneth E. West.
3. A chapter 13 plan has been filed, but it has not yet been confirmed. ECF No. 61. Mr. Draughn is current on trustee payments that have become due under the proposed plan. Exhibit A.
4. Mr. Draughn previously filed a case in this district under chapter 13 on June 21, 2019, which was docketed as 19-13971-elf and voluntarily dismissed on July 2, 2021.

Basis for Relief on Motion to Incur Debt

5. Mr. Draughn owns a 2017 Chevrolet Traverse, which is financed by Ally Bank. Ally filed a proof of claim in the amount of \$1,264.09, all of which is secured by the Chevrolet and none of which is unsecured or in default. Claim No. 9.
6. The proposed chapter 13 plan calls for Mr. Draughn to make direct monthly payments in the amount of \$440.37 to Ally. Because much of the loan was paid by the trustee in

his previous bankruptcy case, Mr. Draughn must only make three more payments, the first of which is not due until May 2024.

7. The Chevrolet recently broke-down and a mechanic advised Mr. Draughn that it needs a replacement transmission. Mr. Draughn was quoted about \$4,000 for its repair. Given the cost of repair and the vehicle's condition, it is more practical to purchase a replacement vehicle.

8. Mr. Draughn proposes purchase of a used 2018 Toyota Camry from Conicelli Toyota for the sum of \$26,650. After credit for trade-in value and payment of the balance owed on the Chevrolet, the amount financed will be \$16,051.97, with interest at the rate of 15.99% per annum. The monthly payment will be \$348.05 for seventy-two (72) months. A copy of the proposed sale sheet is attached as Exhibit B.

9. This purchase will not adversely affect the chapter 13 plan. A supplemental Schedule J is attached as Exhibit C, showing the feasibility of making the monthly trustee payment and the proposed vehicle payment.

Basis for Relief on Request for Expedited Consideration

10. Mr. Draughn requests expedited consideration of this matter pursuant to L.B.R. 5070-1(g).

11. Expedited consideration is necessary and appropriate because the condition of the Chevrolet leaves Mr. Draughn without a means of reliable transportation. He is a disabled veteran who often uses the vehicle to get to medical appointments. This motion must be heard in an expedited manner so that Mr. Draughn can obtain a means of reliable transportation as soon as possible. A statement by Mr. Draughn describing the effect of the circumstances is attached as Exhibit D.

12. Prior to filing this motion, Counsel consulted with LeRoy W. Etheridge, staff attorney for Mr. West, on whether an expedited motion is appropriate. Mr. Etheridge advised Counsel that he does not object to the expedited consideration of the matter.

NOW, THEREFORE, Mr. Draughn asks that the Court enter an order approving the above purchase and considering this matter in an expedited manner. Proposed forms of order are attached.

Dated: March 2, 2022

CIBIK LAW, P.C.
Counsel for Debtor

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